

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ORLANDO DE LA TORRE CEPEDA and CARLO
PLATA, on behalf of themselves and others similarly
situated,

Plaintiffs,

-against-

SENATOR CONSTRUCTION GROUP, INC.
and ATIQ REHMAN,

Defendants.

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ORDER ADOPTING
REPORT AND
RECOMMENDATION

18-cv-1045 (SJ) (JO)

A P P E A R A N C E S

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JOHNSON, Senior United States District Judge:

On March 8, 2019, the Magistrate Judge issued a Report and Recommendation reviewing the settlement proposal by the parties,, pursuant to Cheeks v. Freeport Pancake House, Inc., 796 F.3d 199 (2d Cir. 2015) recommending that this Court adopt the settlement agreement with the modification that the Court “court reduce the fee and cost allocation by \$33.30, to \$7,716.70.” Sua Sponte Report and Recommendation, Dkt. Entry Dated 3/8/2019.

A district court judge may designate a magistrate judge to hear and determine certain motions pending before the Court and to submit to the Court proposed findings of fact and a recommendation as to the disposition of the motion. See 28 U.S.C. § 636(b)(1). Within 10 days of service of the recommendation, any party may file written objections to the magistrate’s report. See id. The Court is not required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the report and recommendation to which no objections are addressed. See Thomas v. Arn, 474 U.S. 140, 150 (1985). In addition, failure to file timely objections waives the right to appeal the magistrate’s decision. See 28 U.S.C. § 636(b)(1); Small v. Sec’y of Health & Human Servs., 892 F.2d 15, 16 (2d Cir. 1989).

The Report was entered on March 8, 2019, and the parties were given until March 22, 2019 to file any objections. No objections to the R&R have been filed.

Upon review of the recommendations, the Court adopts the R&R in its entirety and approves the settlement. The settlement will be distributed in accordance with the settlement as follows

- a) Plaintiff de la Torre will receive a sum of \$5,314.00;
- b) Plaintiff Plata will receive a sum of \$3,116.00;
- c) Plaintiff Martinez will receive a sum of \$5,820.00; and
- d) Plaintiffs' Counsel will receive a sum of \$7,716.70. (representing attorney's fees and costs).

The Clerk of the Court is directed to close the case.

SO ORDERED.

Dated: July 12, 2019
Brooklyn, NY

s/ Sterling Johnson Jr.

Sterling Johnson, Jr., U.S.D.J.